

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

-----X  
EULARDI TANSECO, Individually on  
Behalf of Himself and All Others  
Similarly Situated,

**No. 08-cv-4348-PGS-ES**

Plaintiff,

vs.

APPLE, INC. and AT&T, INC.

Defendants  
-----X

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, on August 29, 2008, plaintiff Eulardi Tanseco ("Plaintiff") filed a complaint in the above-referenced action against Apple, Inc. and AT&T, Inc. and mailed a copy of the complaint and waiver of service of summons to defendants' corporate headquarters.

WHEREAS, on September 16, 2008, defendant Apple, Inc. acknowledged receipt of the complaint and agreed to waive service of summons.

WHEREAS, on September 30, 2008, counsel for defendant AT&T, Inc. informed Plaintiff that AT&T, Inc. is not a proper party to this lawsuit and that AT&T Mobility LLC, the entity that provides telecommunications services and conducts business with the public, should be substituted as defendant in this action. (AT&T Inc. is a holding company, and does not provide telecommunications services or conduct business with the public.) Further, counsel for defendant AT&T, Inc. agreed to accept service of an amended complaint substituting AT&T Mobility LLC as a defendant.

WHEREAS, defendant Apple is required to respond to the complaint on or before November 3, 2008. Defendants have requested additional time to respond to the anticipated

amended complaint.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the parties in the above-captioned action that:

1. In reliance upon the express representations by counsel for Defendant AT&T, Inc., AT&T Mobility, LLC will be substituted for AT&T, Inc. as a defendant in this action, and defendant AT&T, Inc. will be voluntarily dismissed without prejudice.
2. On or before October 31, 2008, Plaintiff shall file an Amended Complaint substituting AT&T Mobility LLC as defendant and shall voluntarily dismiss AT&T, Inc. without prejudice. Further, simultaneous with such filing, Plaintiff shall serve the Amended Complaint on defendants Apple Inc. and AT&T Mobility LLC by sending a copy via first class mail and email to the undersigned counsel for defendant.
2. Defendants' time to answer on otherwise response to the Amended Complaint will be extended to December 3, 2008. If defendants move for dismissal, pursuant to Fed. R. Civ. P. 12(b), Plaintiff shall have until January 14, 2009 to respond, and defendants shall have until February 14, 2009 to reply.

Dated: October 28, 2008

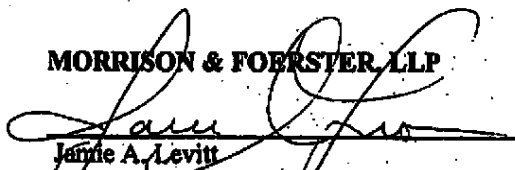
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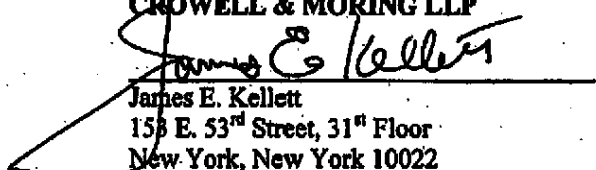
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*Attorneys for Defendants AT&T, Inc.  
and AT&T Mobility LLC*

SO ORDERED:

 - 11/18/08  
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U.S.D.J.